

Notice of Allowability	Application No.	Applicant(s)	
	09/893,221	ORPAZ ET AL.	
	Examiner	Art Unit	
	Yubin Hung	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 18 October 2004.
2. ☒ The allowed claim(s) is/are 1,7-9,13,20 and 21.
3. ☒ The drawings filed on 17 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Response to Amendment/Arguments

1. This action is in response to the amendment filed on 18 October 2004.
2. Claims 2-6, 10-12, 14-19 and 22 have been cancelled.
3. In view of applicant's argument, the 35 USC § 112 rejections have been withdrawn.
4. In view of applicant's amendment, claims 1, 7-9, 13, 20 and 21 have been allowed

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Fritz L. Schweitzer, Jr. on February 28, 2005.

Art Unit: 2625

6. The application has been amended as follows:

**Amend the specification by adding the following to page 1 thereof,
immediately after the title:**

Related Application:

**This application claims the priority of
Provisional Application Ser. No. 60/214494
filed June 27, 2000.**

Allowable Subject Matter

7. The following is an examiner's statement of reasons for allowance:

8. Regarding claim 1, and similarly claims 9 and 13, the prior art of record fails to teach or suggest, alone or in combination, a method for simulating an appearance of products on an image of a consumer comprising, along with other limitations:

- **said intensity are assigned according to a predetermined algorithm, comprising employing the following formula:**

$I_{out} = A * I_{in} + B$ where

**I_{out} is the value of the intensity of a pixel of the modified image,
 I_{out} can range between upper and lower limits of 255 and 0,
respectively,**

**I_{in} is the value of the intensity of an associated pixel of the base
image**

**I_{in} can range between the upper and lower limits,
 A is the slope of the function and is computed according to a
Gaussian distribution function, as follows:**

Art Unit: 2625

$$A = \exp(-0.5 * (I_{color} - I_{mean})^2 / I_{stddev}^2) \quad \text{where}$$

I_{color} is the value of the intensity of the selected product appearance information,
 I_{mean} is mean value of the intensities of the pixels in the product application area, and
 I_{stddev} is the standard deviation of the intensities of the pixels in the product application area,
B is a constant computed by equating the I_{in} and I_{out} values I_{mean} and I_{color} , respectively

Closest art of record khoury (US 5,838,194) teaches a non-linear gain control (applicable to contrast stretching here) with a Gaussian behavior [Col. 1, lines 37-39 and Col. 5, Eq. 12. Note that the left side of the equation corresponds to the value A in the above formula.] However, it does not include a separate signal (I_{color} above) to determine the gain, nor does the computation of the output include a term similar to B.

9. Regarding claim 7, and similarly claim 20, the prior art of record fails to teach or suggest, alone or in combination, a method for simulating an appearance of products on an image of a consumer comprising, along with other limitations:

- assigning intensity appearance values of said pixels of said product application area according to intensity appearance values of substantially all of said pixels in said base image

Art Unit: 2625

Closest art of record Lawton et al. (US 5,990,901) teaches a model-based image editing and correction method that adjusted the intensity of a desired area (pasted face in this case) basing on image information in the surrounding area of the original (i.e. base) image [Fig. 3, ref. 119 and Col. 9, lines 7-16]. However, it does not teach nor suggest making the intensity adjustment basing on **substantially all** of the pixels in the base image.

Contact Information

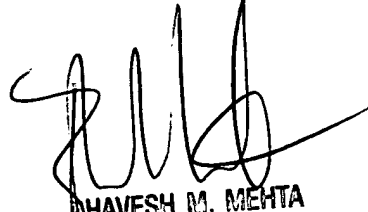
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (703) 305-1896. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
March 1, 2005



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